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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,447	09/29/1999	TSUKASA SAKO	862.3050	4061
5514	7590	03/02/2006		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER KIM, CHONG R	
			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/408,447	Applicant(s) SAKO ET AL.	
	Examiner Charles Kim	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-79,94-97,106 and 109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-79,94-97,106 and 109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2005 has been entered.

Response to Amendment and Arguments

2. Applicant's amendment filed on December 27, 2005 has been entered and made of record.
3. Applicant's arguments with respect to claims 76-79, 94-97, 106, 109 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 76, 94, 106, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kawaoka, U.S. Patent No. 5,852,503 ("Kawaoka") and Endo et al., U.S. Patent No. 6,335,796 ("Endo").

Referring to claim 76, Kawaoka discloses an image outputting system for outputting image data to an output medium, the system comprising:

- a. an acquisition unit configured to acquire information indicating a condition of an input image (col. 3, lines 25-38);
- b. designation unit configured to designate an outputting area in image data obtained by computerizing the input image to be outputted to the output medium, based on the information acquired by the acquisition unit (col. 3, lines 39-55);
- c. a ration obtaining unit configured to obtain an aspect ratio of the outputting area designated by the designation unit, wherein the aspect ratio changes according to the designated outputting area (col. 1, lines 32-35 and col. 4, lines 21-31)
- c. selection unit configured to select one of a plurality of output medium types based on the aspect ratio of the designated outputting area (col. 4, lines 21-31);
- d. determination unit configured to determine an output mode based on a relationship between the designated outputting area and the output medium size selected by the selection unit (col. 5, lines 1-8).

Kawaoka discloses that the acquisition unit is configured to acquire information indicating a condition of an input image (as noted above), but does not explicitly disclose the step of acquiring an X-ray irradiation condition of the input image. However, this feature was exceedingly well known in the art. For example, Endo discloses an acquisition unit configured

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to acquire information indicating an X-ray irradiation condition of an input image (col. 5, lines 35-46).

Kawaoka also does not explicitly disclose that the size of the designated outputting area is smaller than a size of the input image. However, this feature was also well known. For example, Endo discloses a designation unit configured to designate an outputting area of an input image to be outputted to an output medium, wherein a size of the designated outputting area is smaller than a size of the input image (column 11, lines 2-8).

Kawaoka and Endo are combinable because they are both concerned with outputting an image on different output medium sizes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image outputting system of Kawaoka in view of Endo's teachings. The suggestion/motivation for doing so would have been to enhance the efficiency and flexibility of the system by reducing troublesome procedures on the part of the operator, and allowing the outputting process to be performed optimally under various conditions (Endo, col. 12, lines 18-23). Therefore, it would have been obvious to combine Kawaoka with Endo to obtain the invention as specified in claim 76.

Referring to claim 94, see the rejection of at least claim 76 above.

Referring to claims 106 and 109, see the rejection of at least claim 76 above. Kawaoka further discloses a photographing unit configured to photograph the object and obtain image data representing the image (col. 1, lines 14-26)

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5. Claims 77-79, 95-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kawaoka, U.S. Patent No. 5,852,503 ("Kawaoka"), Endo et al., U.S. Patent No. 6,335,796 ("Endo"), and Tabata et al., U.S. Patent No. 5,774,232 ("Tabata").

Referring to claim 77, Kawaoka and Endo do not explicitly disclose that the determination unit determines an output mode based on whether or not the outputting area falls within an effective image area of the selected output medium size. However, this feature was exceedingly well known in the art. For example, Tabata discloses a determination unit that determines an output mode based on whether or not the outputting area falls within an effective image area of the selected output medium size (col. 16, line 62-col. 17, line 8).

Kawaoka, Endo, and Tabata are all combinable because they are all concerned with outputting an image on different output medium sizes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image outputting system of Kawaoka and Endo in view of Tabata's teachings. The suggestion/motivation for doing so would have been to verify whether the outputting area may be printed on the selected output medium size and provide the option of utilizing two output pages when the outputting area does not fit on one page, thus, enhancing the flexibility of the system. Therefore, it would have been obvious to combine Kawaoka and Endo with Tabata to obtain the invention as specified in claim 77.

Referring to claim 78, Tabata further discloses that the determination unit includes a segmenting output mode where an outputting area is segmented into a plurality of segmentation areas and outputted to a plurality of output media (col. 16, line 62-col. 17, line 8).

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Endo further discloses an output determination unit that includes a life-size output mode wherein an entire outputting area is outputted in an actual size (col. 10, lines 63-65), a reduction image output mode where an outputting area is reduced and then outputted (col. 11, lines 8-10), and an extraction output mode where a predetermined area is extracted from an outputting area and then outputted (col. 11, lines 2-8. Note that the “area of concern” in line 7 extracts a predetermined area such as the lung area to be output).

Referring to claim 79, Endo further discloses that the determination unit determines that the output mode is one of the reduced image output mode, when an output medium size selected by a selection unit is not appropriate for the life-size output mode (col. 11, lines 20-33).

Referring to claim 95, see the rejection of at least claim 77 above.

Referring to claim 96, see the rejection of at least claim 78 above.

Referring to claim 97, see the rejection of at least claim 79 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ck

February 23, 2006



